

1 THE HONORABLE ROBERT J. BRYAN  
2  
3  
4  
5  
6  
7

8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 BARCADE, LLC,

11 Plaintiff,

12 v.

13 DORKY'S, INC.,

14 Defendant.

15 Case No.: 3:11-cv-05949-RJB

16 ORDER ON MOTION FOR ENTRY OF  
17 JUDGMENT BY DEFAULT AGAINST  
18 DEFENDANT DORKY'S, INC.  
19 PURSUANT TO FRCP AND LOCAL  
20 RULE 55(b)

21 Having considered the Motion for Entry of Judgment by Default filed by plaintiff  
22 Barcade, LLC ("Barcade"), and its supporting materials, and for good cause shown, it is  
23 hereby ORDERED that Barcade's Motion is GRANTED. It is further ORDERED that  
24 judgment is entered in favor of Barcade and against defendant Dorky's, Inc. ("Dorky's") and  
25 that Dorky's, its officers, directors, agents, employees and all persons in active concert or  
26 participation with it who receives actual notice of the injunction, by personal service or  
otherwise, is preliminarily and permanently enjoined and restrained from doing, abiding,  
causing or abetting any of the following:

(a) engaging in any acts or activities directly or indirectly calculated to infringe  
Barcade's BARCADE® Marks;

ORDER ON MOTION FOR ENTRY OF JUDGMENT BY DEFAULT  
AGAINST DEFENDANT DORKY'S, INC. PURSUANT TO FEDERAL  
RULE 55(b)- 1

LAW OFFICES OF  
**COZEN O'CONNOR**  
A PROFESSIONAL CORPORATION  
1201 THIRD AVENUE  
SUITE 5200  
SEATTLE, WASHINGTON 98101-3071  
(206) 340-1000

1                   (b)     infringing or contributing to the infringement;  
2                   (c)     using in selling, offering for sale, promoting, advertising, marketing or  
3 distributing of Dorky's products or services, signage, advertisements or marketing materials  
4 that use the term BARCADE;  
5                   (d)     using any configuration or design that is confusingly similar to Barcade's  
6 BARCADE® Marks; and  
7                   (e)     otherwise competing unfairly with Barcade in any manner whatsoever.

8                   It is further ORDERED that Dorky's deliver up to Barcade for destruction, at Dorky's  
9 expense, any and all catalogs, web site materials, literature, brochures, packaging, signs,  
10 promotional materials, advertisements and other communications to the public in the  
11 possession or under the control of Dorky's, and any other material or any representations that  
12 are or may contain designations similar to Barcade's BARCADE® Marks.

13                   DATED this 17th day of January, 2012.

14                     
15                   \_\_\_\_\_  
16                   ROBERT J. BRYAN  
17                   United States District Judge

18                   Presented by:

19                   COZEN O'CONNOR

20                   \_\_\_\_\_  
21                    Rodney Q. Fonda, WSBA No. 6594  
22                    Camille M. Miller, *Member of Pennsylvania and*  
23                    *Illinois Bars (Not Admitted in Washington)*  
24                    David M. Albert, *Member of Pennsylvania and*  
25                    *New York Bars (Not Admitted in Washington)*  
26                    COZEN O'CONNOR  
                    1201 Third Avenue, Suite 5200  
                    Seattle, Washington 98101  
                    Telephone: 206.340.1000  
                    Toll Free Phone: 800.423.1950  
                    Facsimile: 206.621.8783  
                    Attorneys for Plaintiff Barcade, LLC  
                    SEATTLE\1259317\1 208976.000

ORDER ON MOTION FOR ENTRY OF JUDGMENT BY DEFAULT  
AGAINST DEFENDANT DORKY'S, INC. PURSUANT TO FEDERAL  
RULE 55(b)- 2

LAW OFFICES OF  
**COZEN O'CONNOR**  
A PROFESSIONAL CORPORATION  
1201 THIRD AVENUE  
SUITE 5200  
SEATTLE, WASHINGTON 98101-3071  
(206) 340-1000